

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DUNKEL *et al.*

Appl. No.: 10/583,312 (*U.S. Nat'l Phase
of PCT/EP2004/13834*)

Int'l Filing Date: December 6, 2004

For: **Optically Active Carboxamides**

Art Unit: 1614

Examiner: *To be Assigned*

Atty. Docket: 2400.0560000/VLC/CMB

**Information Disclosure Statement
under 37 C.F.R. § 1.97(b)**

Mail Stop PCT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **FP1** to **FP14** and **NPL1** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and a patent application publication, documents **US1** to **US4** cited on the attached IDS Form PTO/SB/08A, are not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, **FP1**, **FP3** to **FP5**, and **FP11** to **FP13**, cited on Form PTO/SB/08A.

Document **FP1**, EP 0 545 099 B1, is in the German language. What is believed to be an English language equivalent of document **FP1** is listed as document **US1**.

Document **FP3**, EP 0 589 301 B1, is in the German language. What is believed to be an English language equivalent of document **FP3** is listed as document **US3**.

Document **FP4**, EP 0 589 313 A1, is in the German language. What is believed to be an English language equivalent of document FP4 is listed as document **US2**.

Document **FP5**, EP 0 591 699 A1, is in the German language. What is believed to be an English language equivalent of document FP5 is cited as document **FP14** and submitted herewith.

Document **FP13**, DE 102 29 595 A1, is in the German language. What is believed to be an English language equivalent of document FP13 is listed as document **US4**.

Documents **FP11** and **FP12** were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38. The search report is attached as document **NPL1** on the IDS Form, PTO/SB/08B.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

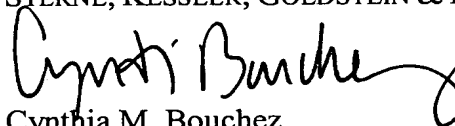
This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Cynthia M. Bouchez
Attorney for Applicants
Registration No. 47,438

Date: March 28, 2007

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

649356v1

Substitute for form 1449/PTO

(Use as many sheets as necessary)

Sheet	1	of	2
-------	---	----	---

Application Number	10/583,312
I. A. Filing Date	December 6, 2004
First Named Inventor	DUNKEL, Ralf
Art Unit	1614
Examiner Name	<i>To be Assigned</i>
Attorney Docket Number	2400.0560000/VLC/CMB

[illegible]

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			
	FP1	EP 0 545 099 B1	06/09/1993	BASF Aktiengesellschaft	
	FP2	WO 93/11117 A1	06/10/1993	Monsanto Company	
	FP3	EP 0 589 301 B1	03/30/1994	BASF Aktiengesellschaft	
	FP4	EP 0 589 313 A1	03/30/1994	BASF Aktiengesellschaft	
	FP5	EP 0 591 699 A1	04/13/1994	BASF Aktiengesellschaft	
	FP6	EP 0 737 682 B1	10/16/1996	Mitsui Chemicals, Inc.	
	FP7	WO 00/09482 A1	02/24/2000	Novartis AG; Novartis-Erfindungen Verwaltungsgesellschaft mbH	
	FP8	EP 1 036 793 B1	09/20/2000	Mitsui Chemicals, Inc.	
	FP9	WO 02/38542 A1	05/16/2002	Syngenta Participations AG	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			
	FP10	WO 02/059086 A1	08/01/2002	Syngenta Participations AG	
	FP11	WO 03/010149 A1	02/06/2003	Bayer Aktiengesellschaft	ISR
	FP12	WO 2004/005242 A1	01/15/2004	Bayer CropScience AG	ISR
	FP13	DE 102 29 595 A1	01/15/2004	Bayer CropScience AG	
	FP14	CA 2,106,497 A1	03/22/1994	Eicken <i>et al.</i>	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/583,312
				I.A. Filing Date	December 6, 2004
				First Named Inventor	DUNKEL, Ralf
				Art Unit	1614
				Examiner Name	To be Assigned
Sheet	1	of	1	Attorney Docket Number	2400.0560000/VLC/CMB

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	NPL1	International Search Report for International Application No. PCT/EP2004/013834, European Patent Office, Netherlands, mailed on April 25, 2005	

649348v1

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.